

Fern Forest Community Association, Inc.

Board of Directors Meeting Minutes

April 10, 2021

Present of the FFCA Board: (on Zoom) Daniel Moxley, Christopher Quarré, Robert Arieta, and Marguerite Hauberg. Others from the Community watching on Zoom.

Call to Order: Meeting was called to order at 11:03AM

Approval of Minutes:

Marguerite read the March 13, 2021, Board Meeting Minutes.

2021/4/10-1 Chris made a motion to approve the March 13, 2021, minutes as written. 2nd by Robert. All in favor. Motion approved.

Treasurer's Report:

The usual amounts were spent on Road Maintenance: \$15,364 for crushed rock, \$9,407 for hauling, \$6,771 for labor on roads.

The FFCA Balance sheet shows, as of March 31, 2021:

BIFCU checking \$203,646.96

BIFCU savings \$5.00

Road Report:

Robert reported that Ellsworth has been filling potholes on the following roads:

Leila - 9 truck loads

Upper Kaleponi - 13 truck loads

Upper Ohialani - 5 truck loads

Lower Ohialani - 6 truck loads

Ellsworth fixed washouts on the following roads:

Upper Kaleponi

Lower Ohialani

Ala Naulani

Reminder: while we sincerely appreciate your good intentions, we cannot allow unauthorized equipment working on the roads due to liability issues.

Old Business:**Lawsuit/Countersuit:**

Dan reported that all Board members did attend a Zoom mediation April 3, 2021, through the Ku'ikahi Mediation Center with those who filed the Countersuit against the former Board. Due to confidentiality agreements, he cannot share more than that.

Speed Bump on Kahaualea Road:

Robert spoke with the contractor who stated that he would be commencing with the modifications in a week or two on the Kahaualea speed bump to make it a 15 MPH bump.

Community Clean-Ups:

Marguerite reported that we held our first Community Clean-up using volunteer trucks to haul white goods (appliances), metal, and a variety of garbage to the Recycle Center at Shipman Park and Hilo Transfer Station. Thanks to Mike Mazzone, Julie Buchholz and Awa Hoshi Kavan to volunteer their trucks, time and gas to make the clean-up a success. Thanks to about 10 other volunteers who came to help on teams. We have already received the "Tipping Fee Waiver" for the next Community Clean-up Day April 24. Please email or call FFCA if you can volunteer, or PM Marguerite Haubergon Messenger. We plan to walk Ala Kapena again to pick up trash as it has accumulated since the January Clean-up.

Volunteer Fire Company on FFCA lot:

Marguerite reported that Joel Thompson is ready to move the two fire trucks, which have been repaired, back into the Quonset hut. He would like to power wash them before moving them into the building.

Activity at "S" Turn:

Chris reported that the FFCA posted a statement on our Website and Facebook which reaches out to the Community to report any illegal activity they see at the "S" turn.

Keiki Schoolbus Pick-up/Drop-off at FFCA lot:

Chris reported that only one person applied to be a volunteer for the Bus Attendant. We could use more parent volunteers to cover the afternoon or the other turn around on Kahaualea Rd. Check out the website for more information under Announcements.

2021/4/10-2 Chris made a motion to authorize Julie Buchholz as a volunteer to open the FFCA lot for the bus turn around in the morning. Robert 2nd. All in favor. Motion approved.

New Business:

Chris proposed that we make a new sign at the entrance to Fern Forest which is more appealing. We ask the Community to help with a design, or volunteer their expertise.

2021/4/10-3 Marguerite made a motion to adjourn the meeting. 2nd by Robert. All in favor. Motion approved.

All business being concluded, the meeting was adjourned at 11:20 AM.

Minutes respectfully submitted by Marguerite Hauberg, FFCA Board Secretary

The next FFCA Board Meeting on Zoom will be May 8, 2021

There was a time for questions/comments from the owners at the conclusion of the regular meeting.

Lori Aitchison turned in the following comments:

Regarding the Question Asked at the April 2021 Meeting.

"Under what Authority are you going by to have Mandatory instead of Voluntary Road Fees?"

I'd like this Question to be recorded into the April 2021 FFCA Minutes.

Margaritte replied she never researched it although she recalled that I have asked the same Question on 3 different occasions. I'm providing here the full judgement and articles of incorporation, the Rule of Law and facts that explains that if the Judgement is not amended or extended before the judgement is expired in 2001. that it is fully Expired.

Also, FFCA is not an HOA, Home Owners Association, therefore you cannot hold our Community to those Rules.

Therefore by claiming these reason in order to put Liens on FFCA Members properties in my opinion are illegal.

Mahalo, Lori.

2009 Hawaii code::vol 13:: Title 36-Civil Remedies and Defense
Link provided:

<https://law.justia.com/codes/hawaii/2009/volume-13/title-36/chapter-657/hrs-0657-0005-htm>

We responded to this request by posting on the FFCA website the more current laws of 2019 regarding Community Associations, which do justify ANY Community Association to collect Mandatory Road fees: Hawaii Revised Statutes- Hawaii Planned Community Associations Title 23, Chapter 421-J (2019). When viewing the information Lori provided it clearly states this information pertains to domestic judgments and as our judgment in 1991 is a civil judgment we therefore do not fall under the criteria of 2009 Hawaii Code Volume 13 TITLE 36 - CIVIL REMEDIES AND DEFENSES AND SPECIAL PROCEEDINGS CHAPTER 657 - LIMITATION OF ACTIONS §657-5 - Domestic judgments and decrees.

Motions from April 10, 2021 Board of Directors Meeting

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2021/4/10-2 Chris made a motion to authorize Julie Buchholz as a volunteer to open the FFCA lot for the bus turn around in the morning. Robert 2nd. All in favor. Motion approved.

2021/4/10-3 Marguerite made a motion to adjourn the meeting. 2nd by Robert. All in favor. Motion approved.